

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOUGLAS M. STERNBERG,

Plaintiff,

-against-

NEW YORK CITY HEALTH AND HOSPITALS
CORPORATION,

Defendant.

**DECLARATION OF
YUVAL RUBINSTEIN IN
SUPPORT OF
DEFENDANT'S
OPPOSITION TO
PLAINTIFF'S MOTION
FOR PARTIAL SUMMARY
JUDGMENT**

14 CV 1003 (PAC)
----- X

YUVAL RUBINSTEIN declares, pursuant to 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, attorney for defendant New York City Health and Hospitals Corporation in the above-captioned action.

2. I submit this declaration in support of the defendant's opposition to plaintiff's motion for partial summary judgment pursuant to Rule 56(c) of the Federal Rules of Civil Procedure.

3. Annexed to this declaration as Exhibits "1" to "14" are documents maintained in the ordinary course of defendant's business, excerpts from the transcripts of the depositions of plaintiff and Dr. Eldon Redwood, Dr. Lawrence Bailey, Yvette Villeneuve, and Laurie Davidson, which are relied upon and cited in defendant's Statement of Additional Material Facts as to Which There is a Genuine Issue to be Tried, submitted herewith, in support of defendant's opposition. Copies of these documents and excerpts are as follows:

- A. Excerpts from the transcript of plaintiff's deposition are annexed hereto as Exhibit "1,"

- B. Excerpts from the transcript of Dr. Lawrence Bailey's deposition are annexed hereto as Exhibit "2";
- C. The Society for Healthcare Epidemiology of America ("SHEA") Guidelines for Management of Healthcare Workers Who Are Infected With Hepatitis B Virus, Hepatitis C Virus and/or Human Immunodeficiency Virus are annexed hereto as Exhibit "3";
- D. OHS Operating Procedure 20-19, dated March 20, 2003, is annexed hereto as Exhibit "4;"
- E. Harlem Hospital Center Medical Records dated July 9, 2012 are annexed hereto as Exhibit "5";
- F. Excerpts from the transcript of Dr. Eldon Redwood's deposition are annexed hereto as Exhibit "6";
- G. Medical Clearance Status Form dated July 13, 2012 is annexed hereto as Exhibit "7";
- H. July 18, 2012 Letter from Henry McFarlane is annexed hereto as Exhibit "8";
- I. July 19, 2012 Consultation Report from Dr. Harold Lipsky is annexed hereto as Exhibit "9";
- J. Excerpts from the transcript of Laurie Davidson's deposition are annexed hereto as Exhibit "10";
- K. Excerpts from the transcript of Yvette Villeneuve's deposition are annexed hereto as Exhibit "11;"
- L. December 6, 2012 Letter from Barbara Marrero is annexed hereto as Exhibit "12";

M. January 3, 2013 email from plaintiff is annexed hereto as Exhibit “13”;

N. March 7, 2013 notes from Dr. Harold Lipsky are annexed hereto as Exhibit “14”;

Dated: New York, New York
December 31, 2015

ZACHARY W. CARTER
Corporation Counsel of the City of New York
Attorney for Defendant
100 Church Street, Room 2-115
New York, New York 10007
(212) 356-2467
yrubinst@law.nyc.gov

By: /s/
Yuval Rubinstein
Assistant Corporation Counsel

14 Civ. 1003 (PAC)

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DECLARATION OF YUVAL RUBINSTEIN

ZACHARY W. CARTER

Corporation Counsel of the City of New York

Attorney for Defendant

100 Church Street, Room 2-115

New York, N.Y. 10007

Of Counsel: Yuval Rubinstein

Tel: (212) 356-2467

Due and timely service is hereby admitted.

New York, N.Y., 201_.....

..... Esq.

Attorney for.....